

**Notice of Allowability**

Application No.

09/740,931

Examiner

Mark A Mais

Applicant(s)

MATTSON

Art Unit

2664

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to \_\_\_\_.
2. ☒ The allowed claim(s) is/are 1-31.
3. ☒ The drawings filed on 21 December 2000 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \* Certified copies not received: \_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement (IDS) was submitted together with the current Application on December 21, 2000. The submission is in compliance with the provisions of 37 CFR 1.56 and 1.97. Accordingly, the examiner considered the information disclosure statement.

### ***Allowable Subject Matter***

2. Claims 1-31 are allowed.
3. The following is an examiner's statement of reasons for allowance:

The examiner has not found a tributary transport system which includes both signal overhead and payload which, for a given sampling period, counts bit errors, and encodes a signal degradation (SD) message which can indicate both SD information (i.e., bit error rate (BER)) and the synchronization code wherein the SD message also includes either the exact BER or an approximation thereof based on a predetermined threshold value.

The nearest art of record Martin et al. (USP 6,298,038) performs continuous real-time BER calculations and but does not disclose interchanging the BER with the synchronization code in the SD message. Furthermore, it does not disclose using an approximation of the BER based on a predetermined threshold value. Shiragaki et al. (USP 6,125,104) performs real-time calculations but not report the BER except through request and reply messages. Also, it does not interchange the BER with the synchronization code in the SD message nor does it disclose using an approximation of the BER based on a predetermined threshold value. Additionally, Norman et al. (USP 6,011,802)

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4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- (a) Norman (USP 6,011,802) Method and system for conversion and transmission of communication signals.
- (b) Stalick (USP 5,216,666) 1:N Ring-type signal protection apparatus.
- (c) Martin et al. (USP 5,841,760) Transparent Multiplexer/Demultiplexer.
- (d) Hurlocker (USP 5,490, 142) VT Group optical extension interface and VT group optical extension format method.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark A Mais whose telephone number is (571) 272-3138. The examiner can normally be reached on 8:00-4:30.

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7. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on (703) 305-4366. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

October 19, 2004

A handwritten signature in black ink, appearing to be 'W. Chin', with a long horizontal stroke extending to the right.